

Notice of Allowability

Application No.

09/728,784

Examiner

Tony Mahmoudi

Applicant(s)

WIGGEN ET AL.

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the After-Final amendment submitted on 02-August-2005.
2. ☒ The allowed claim(s) is/are 18-20, 22-30 and 32-36, re-numbered as claims 1-17.
3. ☒ The drawings filed on 30 November 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20050812-1.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JEFFREY GAFFIN

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER
Paper No./Mail Date 20050812

DETAILED ACTION

Remarks

1. In response to the After-Final amendment filed on 02-August-2005, dependent claims 21 and 31 are canceled and independent claims 18 and 29 are amended per applicant's request. Claims 18-20, 22-30 and 32-36 are presently pending in the application, of which, claims 18 and 29 are presented in independent form.
2. In view of the examiner's amendment, authorized by the Attorney of Record, dependent claims 22 and 23 are amended by the examiner (details provided below.)

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Eugene Kim (Attorney of Record) on 12-August-2005 (see enclosed Interview Summary, paper No. 20050812-1.)

Claims 22 and 23 have been amended by the examiner as follows:

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22. (Currently Amended) The method of claim 21 further comprising deleting the data in response to the determination that the deletion of data was successful.

23. (Currently Amended) The method of claim 21 further comprising initiating an error handling process in response to the determination that the deletion of the data was unsuccessful.

Allowance

4. Claims 18-20, 22-30 and 32-36 are allowed over the prior art made of record.

5. The following is an examiner's statement of reasons for allowance:

The applicant's amendment After Final, filed on 02-August-2005, and the examiner's amendment, authorized by the attorney of record on 12-August-2005, overcome the cited prior art with respect to the independent claims:

Independent claims 18 and 29 were amended by the applicant to recite the limitations of dependent claims 21 and 31 respectively, which were indicated as "allowable subject matter" by the examiner in the telephonic interview with the attorney on 01-August-2005.

The prior art of record, Boggs et al (U.S. Patent No. 6,226,636), Vaithilingam et al (U.S. Patent No. 6,081,812), and Schwartz et al (U.S. Patent No. 6,529,478), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claims):

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setting the metadata to indicate initiation of a deletion of the data;
deleting the data;
determining whether the deletion of the data was successful; and
setting the metadata to indicate the successful deletion in response to the determination that the deletion of the data was successful, as recited in independent claims 18 and 29.

Claims 19-20 and 22-28 are allowed over the prior art made of record because they are dependents from the allowed independent claim 18.

Claims 30 and 32-36 are allowed over the prior art made of record because they are dependents from the allowed independent claim 29.

Conclusion

6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

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August 12, 2005